

AMENDED IN SENATE AUGUST 29, 2003

AMENDED IN SENATE AUGUST 25, 2003

AMENDED IN SENATE JULY 2, 2003

AMENDED IN ASSEMBLY MAY 23, 2003

AMENDED IN ASSEMBLY MAY 13, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL**No. 1525**

Introduced by Assembly Members Longville and Steinberg

February 21, 2003

An act to add Section 1353.6 to the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

AB 1525, as amended, Longville. Common interest developments: signs.

Existing law, the Davis-Stirling Common Interest Development Act, defines and regulates common interest developments. Existing law requires that a common interest development have a recorded declaration, which contains, among other items, the restrictions on the use or enjoyment of the development that are intended to be enforced as equitable servitudes. A common interest development may also be regulated by other instruments, such as bylaws and operating rules, which are collectively known as the governing documents, and existing law prohibits restrictive covenants in governing documents that violate specified housing discrimination laws.

This bill would provide that the governing documents of a common interest development may not prohibit posting or displaying of noncommercial signs, posters, flags, or banners, as defined, on or in an owner's separate interest, except for the protection of public health or safety or if the posting or display would violate a local, state, or federal law. The bill would permit a common interest development association to prohibit signs, posters, flags, or banners that exceed specified sizes. This bill would also make a statement of legislative intent in this regard.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature in enacting this
2 act to provide for all of the following:

3 (a) That homeowners throughout the state shall be able to
4 engage in constitutionally protected free speech traditionally
5 associated with private residential property.

6 (b) That owners of a separate interest in a common interest
7 development shall be specifically protected from unreasonable
8 restrictions on this right in the governing documents.

9 ~~(c) That a homeowner who is unlawfully prohibited from~~
10 ~~exercising these free speech rights shall recover those costs and~~
11 ~~attorney's fees incurred in enforcing his or her right to do so.~~

12 SEC. 2. Section 1353.6 is added to the Civil Code, to read:

13 1353.6. (a) The governing documents, including the
14 operating rules, may not prohibit posting or displaying of
15 noncommercial signs, posters, flags, or banners on or in an
16 owner's separate interest, except as required for the protection of
17 public health or safety or if the posting or display would violate a
18 local, state, or federal law.

19 (b) For purposes of this section, a noncommercial sign, poster,
20 flag, or banner may be made of paper, cardboard, cloth, plastic, or
21 fabric, and may be posted or displayed from the yard, window,
22 door, balcony, or outside wall of the separate interest, but may not
23 be made of lights, roofing, siding, paving materials, flora, or
24 balloons, or any other similar building, landscaping, or decorative
25 component, or include the painting of architectural surfaces.

- 1 (c) An association may prohibit noncommercial signs and
- 2 posters that are more than 9 square feet in size and noncommercial
- 3 flags or banners that are more than 15 square feet in size.

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